

# OFFICE OF THE ATTORNEY GENERAL



94-00074

JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

DEC 1 1993

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 242-7300

Honorable Charles E. Yancura  
Mayor, City of Madison  
100 Hughes Road  
Madison, AL 35758

Gas Districts - Public  
Records - Boards of Directors  
- Expenses

Records of a gas district  
organized pursuant to Code of  
Alabama 1975, § 11-50-390  
are public records.

Dear Mayor Yancura:

This opinion is issued in response to your request for  
an opinion from the Attorney General.

## QUESTION 1

Are records of gas districts  
organized pursuant to Code of Alabama  
1975, § 11-50-390, et seq., "public  
records" within the definition of such  
records found in Code of Alabama 1975,  
§ 41-13-1?

## FACTS, ANALYSIS AND CONCLUSION

Clearly, records of gas districts organized pursuant to  
Code of Alabama 1975, § 11-50-390, et seq., are public  
records within the meaning of Code of Alabama 1975,  
§ 41-13-1, and must be made accessible to the public at such  
times and places so as not to interfere with the ongoing  
business operations of the district. Opinion to Honorable

Honorable Charles E. Yancura  
Page 2

H. C. Wade, Chairman, Cumberland Mountain Water Authority,  
under date of April 15, 1986 (A.G. No. 86-00207).

Among the few exceptions to this mandate are such matters as disclosure of internal business records of taxpayers (A.G. No. 88-00190). See Chambers v. Birmingham News, 552 So.2d 845 (Ala. 1989) and Stone v. Consolidated Publishing, 404 So.2d 679 (Ala. 1981).

#### QUESTION 2

Does Code of Alabama 1975,  
§ 11-50-393 require that reimbursement  
of expenses to members of gas district  
boards be based on evidence of actual  
expenses incurred, as opposed to payment  
of a flat monthly expense allowance?

#### FACTS, ANALYSIS AND CONCLUSION

It is our understanding that subsequent to the receipt of this request this question has become moot because the board has adopted a policy of reimbursement of expenses based on actual expenses.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS  
Attorney General  
By:



JAMES R. SOLOMON, JR.  
Chief, Opinions Division

JE/CJS/jho  
Y12.93/OP